

1 THE HONORABLE JOHN H. CHUN  
2  
3  
4  
5  
6

7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 FEDERAL TRADE COMMISSION, *et al.*,

11 Plaintiffs,

12 v.

13 AMAZON.COM, INC., a corporation,

14 Defendant.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
CASE NO.: 2:23-cv-01495-JHC

**STIPULATED MOTION AND  
[PROPOSED] ORDER  
REGARDING PLAINTIFFS'  
MOTION TO ENTER AN ESI  
ORDER**

NOTE ON MOTION CALENDAR:  
March 28, 2024

The parties, by and through their attorneys of record, respectfully request that the Court enter the proposed order set forth below, which replaces the Proposed Order for Plaintiffs' Motion to Enter an ESI Order (Dkt. #181, 182) with a Proposed Order that Amazon agrees does not need to be filed under seal:

In support of this request, the parties represent the following to the Court:

1. On March 22, 2024, Plaintiffs filed a Motion to Enter an ESI Order. Dkt. #181.

2. Amazon asserted confidentiality with respect to certain portions of the Proposed

Order for Plaintiffs' Motion to Enter an ESI Order. *See* Kennedy Decl. at ¶ 3,  
STIPULATED MOTION AND [PROPOSED] ORDER REGARDING PLAINTIFFS' MOTION TO ENTER AN ESI ORDER - 1  
CASE NO. 2:23-cv-01495-JHC

**FEDERAL TRADE COMMISSION**  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
(202) 326-2222

1 Dkt. #180. Accordingly, Plaintiffs filed a Motion to Temporarily Seal the  
2 Proposed Order, Dkt. #179, and filed a redacted public version of the Proposed  
3 Order with their Motion to Enter an ESI Order, Dkt. #181-1.

4 3. The parties have agreed on a version of the Proposed Order, attached as **Exhibit**  
5 **A**, that Amazon agrees does not need to be filed under seal.  
6 4. The parties stipulate as follows, subject to Court approval, and jointly request that  
7 the Court enter the following Order approving this stipulation:  
8 a. The Proposed Order attached as **Exhibit A** is the Proposed Order for  
9 Plaintiffs' Motion to Enter an ESI Order, Dkt. #181.  
10 b. Plaintiffs' Motion to Seal the Proposed Order for Plaintiffs' Motion to  
11 Enter an ESI Order, Dkt. #179, is moot.

12 Stipulated to and respectfully submitted this 28th day of March, 2024, by:

13 *s/ Christine M. Kennedy*  
14 SUSAN A. MUSSER (DC Bar # 1531486)  
15 EDWARD H. TAKASHIMA (DC Bar # 1001641)  
16 EMILY K. BOLLES (NY Reg. # 5408703)  
17 EMMA DICK (IA Bar # 51155)  
18 CHRISTINE M. KENNEDY (DC Bar # 1032904)  
19 DANIELLE C. QUINN (NY Reg. # 5408943)  
20 ERIC ZEPP (NY Reg. #5538491)

21 Federal Trade Commission  
22 600 Pennsylvania Avenue, NW  
23 Washington, DC 20580  
24 Tel.: (202) 326-2122 (Musser)  
25 (202) 326-2464 (Takashima)  
26 Email: smusser@ftc.gov  
27 etakashima@ftc.gov  
28 ebolles@ftc.gov  
29 edick@ftc.gov  
30 ckennedy@ftc.gov  
31 dquinn@ftc.gov  
32 ezepp@ftc.gov

33 *Attorneys for Plaintiff Federal Trade Commission*

34 STIPULATED MOTION AND [PROPOSED]  
35 ORDER REGARDING PLAINTIFFS' MOTION TO ENTER  
36 AN ESI ORDER - 2  
37 CASE NO. 2:23-cv-01495-JHC

38 **FEDERAL TRADE COMMISSION**  
39 600 Pennsylvania Avenue, NW  
40 Washington, DC 20580  
41 (202) 326-2222

1 s/ Michael Jo

Michael Jo (admitted *pro hac vice*)  
2 Assistant Attorney General, Antitrust Bureau  
New York State Office of the Attorney  
3 General  
28 Liberty Street  
4 New York, NY 10005  
Telephone: (212) 416-6537  
5 Email: Michael.Jo@ag.ny.gov  
*Counsel for Plaintiff State of New York*

6

s/ Rahul A. Darwar

Rahul A. Darwar (admitted *pro hac vice*)  
7 Assistant Attorney General  
8 Office of the Attorney General of Connecticut  
165 Capitol Avenue  
9 Hartford, CT 06016  
Telephone: (860) 808-5030  
10 Email: Rahul.Darwar@ct.gov  
*Counsel for Plaintiff State of Connecticut*

11

s/ Alexandra C. Sosnowski

Alexandra C. Sosnowski (admitted *pro hac*  
12 *vice*)  
13 Assistant Attorney General  
Consumer Protection and Antitrust Bureau  
14 New Hampshire Department of Justice  
Office of the Attorney General  
15 One Granite Place South  
Concord, NH 03301  
16 Telephone: (603) 271-2678  
Email: Alexandra.c.sosnowski@doj.nh.gov  
*Counsel for Plaintiff State of New Hampshire*

18 s/ Caleb J. Smith

Caleb J. Smith (admitted *pro hac vice*)  
19 Assistant Attorney General  
Consumer Protection Unit  
20 Office of the Oklahoma Attorney General  
15 West 6th Street, Suite 1000  
21 Tulsa, OK 74119  
Telephone: (918) 581-2230  
22 Email: caleb.smith@oag.ok.gov  
*Counsel for Plaintiff State of Oklahoma*

23

24

STIPULATED MOTION AND [PROPOSED]  
ORDER REGARDING PLAINTIFFS' MOTION TO ENTER  
AN ESI ORDER - 3  
CASE NO. 2:23-cv-01495-JHC

s/ Jennifer A. Thomson

Jennifer A. Thomson (admitted *pro hac vice*)  
Senior Deputy Attorney General  
Pennsylvania Office of Attorney General  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120  
Telephone: (717) 787-4530  
Email: jthomson@attorneygeneral.gov  
*Counsel for Plaintiff Commonwealth of Pennsylvania*

6 s/ Michael A. Undorf

Michael A. Undorf (admitted *pro hac vice*)  
Deputy Attorney General  
Delaware Department of Justice  
820 N. French St., 5th Floor  
Wilmington, DE 19801  
Telephone: (302) 683-8816  
Email: michael.undorf@delaware.gov  
*Counsel for Plaintiff State of Delaware*

7 s/ Christina M. Moylan

Christina M. Moylan (admitted *pro hac vice*)  
Assistant Attorney General  
Chief, Consumer Protection Division  
Office of the Maine Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
Telephone: (207) 626-8800  
Email: christina.moylan@maine.gov  
*Counsel for Plaintiff State of Maine*

8 s/ Gary Honick

Gary Honick (admitted *pro hac vice*)  
Assistant Attorney General  
Deputy Chief, Antitrust Division  
Office of the Maryland Attorney General  
200 St. Paul Place  
Baltimore, MD 21202  
Telephone: (410) 576-6474  
Email: Ghonick@oag.state.md.us  
*Counsel for Plaintiff State of Maryland*

**FEDERAL TRADE COMMISSION**

600 Pennsylvania Avenue, NW  
Washington, DC 20580  
(202) 326-2222

*s/ Michael Mackenzie*  
Michael Mackenzie (admitted *pro hac vice*)  
Deputy Chief, Antitrust Division  
Office of the Massachusetts Attorney General  
One Ashburton Place, 18th Floor  
Boston, MA 02108  
Telephone: (617) 963-2369  
Email: michael.mackenzie@mass.gov  
*Counsel for Plaintiff Commonwealth of  
Massachusetts*

s/ Scott A. Mertens  
Scott A. Mertens (admitted *pro hac vice*)  
Assistant Attorney General  
Michigan Department of Attorney General  
525 West Ottawa Street  
Lansing, MI 48933  
Telephone: (517) 335-7622  
Email: MertensS@michigan.gov  
*Counsel for Plaintiff State of Michigan*

s/ Zach Biesanz  
Zach Biesanz (admitted *pro hac vice*)  
Senior Enforcement Counsel  
Office of the Minnesota Attorney General  
445 Minnesota Street, Suite 1400  
Saint Paul, MN 55101  
Telephone: (651) 757-1257  
Email: [zach.biesanz@ag.state.mn.us](mailto:zach.biesanz@ag.state.mn.us)  
*Counsel for Plaintiff State of Minnesota*

*s/ Lucas J. Tucker*  
Lucas J. Tucker (admitted *pro hac vice*)  
Senior Deputy Attorney General  
Office of the Nevada Attorney General  
100 N. Carson St.  
Carson City, NV 89701  
Telephone: (775) 684-1100  
Email: LTucker@ag.nv.gov  
*Counsel for Plaintiff State of Nevada*

s/ Ana Atta-Alla  
Ana Atta-Alla (admitted *pro hac vice*)  
Deputy Attorney General  
New Jersey Office of the Attorney General  
124 Halsey Street, 5th Floor  
Newark, NJ 07101  
Telephone: (973) 648-3070  
Email: [Ana.Atta-Alla@law.njoag.gov](mailto:Ana.Atta-Alla@law.njoag.gov)  
*Counsel for Plaintiff State of New Jersey*

s/ Jeffrey Herrera  
Jeffrey Herrera (admitted *pro hac vice*)  
Assistant Attorney General  
New Mexico Office of the Attorney General  
408 Galisteo St.  
Santa Fe, NM 87501  
Telephone: (505) 490-4878  
Email: [jherrera@nmag.gov](mailto:jherrera@nmag.gov)  
*Counsel for Plaintiff State of New Mexico*

s/ Timothy D. Smith  
Timothy D. Smith, WSBA No. 44583  
Senior Assistant Attorney General  
Antitrust and False Claims Unit  
Oregon Department of Justice  
100 SW Market St  
Portland, OR 97201  
Telephone: (503) 934-4400  
Email: [tim.smith@doj.state.or.us](mailto:tim.smith@doj.state.or.us)  
*Counsel for Plaintiff State of Oregon*

*s/ Zulma Carrasquillo-Almena*  
Zulma Carrasquillo (*pro hac vice*  
forthcoming)  
Assistant Attorney General  
Antitrust Division  
Puerto Rico Department of Justice  
P.O. Box 9020192  
San Juan, Puerto Rico 00901-0192  
Telephone: (787) 721-2900  
Email: [zcarrasquillo@justicia.pr.gov](mailto:zcarrasquillo@justicia.pr.gov)  
*Counsel for Plaintiff Commonwealth of Puerto Rico*

s/ Stephen N. Provazza  
Stephen N. Provazza (admitted *pro hac vice*)  
Special Assistant Attorney General  
Chief, Consumer and Economic Justice Unit  
Department of the Attorney General  
150 South Main Street  
Providence, RI 02903  
Telephone: (401) 274-4400  
Email: [sprovazza@riag.ri.gov](mailto:sprovazza@riag.ri.gov)  
*Counsel for Plaintiff State of Rhode Island*

s/ Sarah L. J. Aceves  
Sarah L. J. Aceves (*pro hac vice* forthcoming)  
Assistant Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
Telephone: (802) 828-3170  
Email: [sarah.aceves@vermont.gov](mailto:sarah.aceves@vermont.gov)  
*Counsel for Plaintiff State of Vermont*

s/ Gwendolyn J. Cooley  
Gwendolyn J. Cooley (admitted *pro hac vice*)  
Assistant Attorney General  
Wisconsin Department of Justice  
Post Office Box 7857  
Madison, WI 53707-7857  
Telephone: (608) 261-5810  
Email: cooleygj@doj.state.wi.us  
*Counsel for Plaintiff State of Wisconsin*

16  
17  
18  
19  
20  
21  
22  
23  
24

STIPULATED MOTION AND [PROPOSED]  
ORDER REGARDING PLAINTIFFS' MOTION TO ENTER  
AN ESI ORDER - 5  
CASE NO. 2:23-cv-01495-JHC

**FEDERAL TRADE COMMISSION**  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
(202) 326-2222

1 **MORGAN, LEWIS & BOCKIUS LLP**

2 By: s/ Patty A. Eakes  
3 Patty A. Eakes, WSBA #18888  
4 Molly A. Terwilliger, WSBA #28449  
5 1301 Second Avenue, Suite 2800  
6 Seattle, WA 98101  
7 Phone: (206) 274-6400  
8 Email: patti.eakes@morganlewis.com  
9 molly.terwilliger@morganlewis.com

10 **WILLIAMS & CONNOLLY LLP**

11 Heidi K. Hubbard (pro hac vice)  
12 John E. Schmidlein (pro hac vice)  
13 Kevin M. Hodges (pro hac vice)  
14 Jonathan B. Pitt (pro hac vice)  
15 Carl R. Metz (pro hac vice)  
16 Carol J. Pruski (pro hac vice)  
17 Constance T. Forkner (pro hac vice)  
18 680 Maine Avenue SW  
19 Washington, DC 20024  
20 Phone: (202) 434-5000  
21 Email: hhubbard@wc.com  
22 khodges@wc.com  
23 jpitt@wc.com  
24 cmetz@wc.com  
cpruski@wc.com  
cforkner@wc.com

17 **COVINGTON & BURLING LLP**

18 Thomas O. Barnett (pro hac vice)  
19 One CityCenter  
20 850 Tenth Street, NW  
21 Washington, DC 20001-4956  
22 Phone: (202) 662-5407  
23 Email: tbarnett@cov.com

24 *Attorneys for Defendant Amazon.com, Inc.*

## [PROPOSED] ORDER

IT IS SO ORDERED.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2024.

JOHN H. CHUN  
UNITED STATES DISTRICT JUDGE

Presented By:

s/ Christine M. Kennedy

SUSAN A. MUSSER (DC Bar # 1531486)  
EDWARD H. TAKASHIMA (DC Bar # 1001641)  
EMILY K. BOLLES (NY Reg. # 5408703)  
EMMA DICK (IA Bar # 51155)  
CHRISTINE M. KENNEDY (DC Bar # 1032904)  
DANIELLE C. QUINN (NY Reg. # 5408943)  
ERIC ZEPP (NY Reg. #5538491)  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Tel.: (202) 326-2122 (Musser)  
(202) 326-2464 (Takashima)  
Email: smusser@ftc.gov  
etakashima@ftc.gov  
ebolles@ftc.gov  
edick@ftc.gov  
ckennedy@ftc.gov  
dquinn@ftc.gov  
ezepp@ftc.gov

*Attorneys for Plaintiff  
Federal Trade Commission*

STIPULATED MOTION AND [PROPOSED]  
ORDER REGARDING PLAINTIFFS' MOTION TO ENTER  
AN ESI ORDER - 7  
CASE NO. 2:23-cv-01495-JHC

**FEDERAL TRADE COMMISSION**  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
(202) 326-2222